

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BALTAZAR POLICARPIO,

Plaintiff,

-v-

YORKVILLE DELI MARKET CORP.,

Defendant.

23 Civ. 10759 (PAE)

ORDER


PAUL A. ENGELMAYER, District Judge:

On November 21, 2024, the parties notified the Court that, with the assistance of Magistrate Judge Willis, to whom this case was referred for general pretrial supervision, they have reached a settlement in principle and requesting 30 days to submit a written settlement agreement by December 22, 2024, for the Court's approval pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2105). Dkt. 24. In light of the impending settlement, the Court grants the parties' request.

Given Judge Willis's role in facilitating this settlement, the Court also encourages the parties to discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before Judge Willis. Should the parties elect this option, Judge Willis would resolve the application for approval under *Cheeks*, rather than making a Report and Recommendation to this Court with respect to that issue. Judge Willis would also resolve any additional legal questions that may arise in the case. Any appeal from Judge Willis's rulings following consent would be directly to the United States Court of Appeals for the Second Circuit in the same way that an appeal from a District Judge's decision would be taken.

If both parties consent to proceed before Judge Willis, counsel for the defendant should either email directly or file on ECF a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this order (and also available at <https://www.nysd.uscourts.gov/forms/consent-proceed-us-magistrate-judge>). The parties are free to withhold consent without negative consequences.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: November 22, 2024
New York, New York

AO 85 (Rev. 02/17) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

UNITED STATES DISTRICT COURT

for the
Southern District of New York

_____)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant</i>)	

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Printed names of parties and attorneys**Signatures of parties or attorneys**Dates*

_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Paul A. Engelmayer, U.S. District Judge

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.